Mishap Investigation and Reporting

A-4J-0020

ASO-21

September 12, 2016

EOs

- **EO #21-1 DESCRIBE the concepts, requirements and procedures for conducting a mishap investigation**
- **EO #21-2 DEFINE the duties and responsibilities of the Safety Officer with regard to mishap investigations**
- **EO #21-3 DRAFT various mishap reports from investigative evidence and statements**

References

- OPNAVINST 5100.19E
- OPNAVINST 5102.1D
- COMNAVSAFECEN 151721ZOCT2009
- COMNAVSAFECEN 062015ZOCT2009
- http://www.navytimes.com/news/2008/10/navy_gwfire_100408w/

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Mishap Classifications

Mishaps are classified by severity

- **Class A -- Fatality or permanent total disability, $2 million or more in property damage**
- **Class B – Permanent partial disability, 3+ persons hospitalized, $500,000 or more but less than $2 million in material property damage**
- **Class C – Work-related injury/illness resulting in a lost work day, $50K or more but less than $500K material property damage**

Applicability to Military & Civilians

On-Duty and Off-Duty Military - Active duty, reserves, National Guard, cadets,midshipmen, ROTC, & foreign national military assigned to DoD components, on-base or off-base.

Civil Service Employees - Navy and Marine Corps employees in an on-duty status.

Contractors (New policy) - Contract employees when DoN provides the day-to-day supervision and a means to change the work environment (correct, control, eliminate or prevent hazards or mishaps). This does not pertain to contractors at DoN

Reportable Mishaps

- **Class A, B, and C on-duty civilian and on/off-duty military injury/illness and property damage mishaps**
- **Any other work-related illness or injury that involves medical treatment, beyond first aid.**
  - Includes light or limited duty and job transfer or restricted work, time away from work (lost work time) or higher severity.
  - **<u>Other reportable mishaps</u>:**
    - Physical readiness or other training Class A mishaps.
    - DoD-caused Class A or B of dependent or guest of military.
    - Conventional ordnance mishaps.
    - On-duty diving cases and those with hyperbaric treatment.
    - All afloat electric shocks, groundings, collisions, floodings, and fires (exc. trash).

Reportable Mishaps – Cont'd

Other reportable mishaps - continued:

- Any mishap involving Helo Rope Suspension Technique, Cargo Air Drop, or Parachuting.
- Work-related mishap involving DON-supervised contractor, caused by DON evolution or operation. Contractor is still responsible for reporting their mishaps to OSHA.
- Medically diagnosed work-related injury or illness (CTD) with or without lost work time or further medical treatment.
- Work-related Significant Threshold Shift in hearing.
- Work-related needle-stick or sharps mishap.
- Work-related TB infection.
- Any case requiring a civilian employee to be removed from work under the requirements of an OSH standard.
- Combat Zone mishaps:
  - ✓ Mishaps are not the result of direct enemy

Mishap Investigations

The following mishaps are to be investigated by a safety investigation board (SIB) and reported via naval message in the safety investigation report (SIREP) message or WESS (once deployed) within 30 days:

Class A

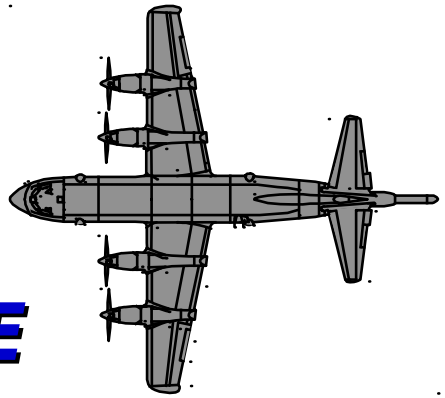
- Fatality
- Permanent Total Disability
- Property Damage greater than $1 million dollars
- All Class A operational mishaps

Other

- Fatality was result of medical event within 1 hour of PFA/PFT/PRT or remedial PT required by command
- Training-related fatalities
- Live fire mishap

GENERAL USE SAFETY REPORTS

- ***DEFINED IN DOD 6055.7 EXTENDS THE "ASSURANCE" NOT***
- ***PROMISE//FSPO***
- ***NOT EXEMPT UNDER FOIA***
- ***PROTECTED BUT RELEASABLE***



"""OF A FACTUAL NATURE"""""

Safety Investigation Information

- Used for safety purposes only
- Not to be used for discipline
- Not admissible in court
- Not taken under oath
- Totally separate from jag

Safety Investigation

DOES:	DOES NOT:
GATHER FACTS	BLAME
CAUSES	DISCIPLINE
PREVENT	RECORD

Internal Investigations

- Track injury reports
- Mishap log
- Near mishaps
- Some Class C

Safeguards

- Distribution restricted
- Limited readdressals
- Special handling

Protected as Privileged

- Witness statements
- Photographs and negatives
- Report endorsements
- Board notes and findings

Board Membership

- Senior Member
- 2 Other commissioned Members/Master
- Medical Member added in cases of death or injury

Appointing Authority

- **ISIC or Type Commander**
  - **In writing**
  - **Platform familiar**

Advisor

- Safety Center personnel
- Not member of board
- Access to findings
- Trained to assist

Technical Advisor

- Not a board member
- Requested via Type Commander
- “Expert” witness

Class “A” Mishap Scene

- **Command Safety Officer until board arrives:**
  - **Protect evidence**
  - **Photo / videotape**
  - **Diagram scene**
  - **List of witnesses**
  - **Restrict access / cordon off**

Investigators

- Collect evidence
- Take accurate photos
- Interpret logs and records
- Take statements
- Reconstruct events

Evidence

- People
- Parts
- Position/Location

Witness Statements

- **Informal Investigation - verbal only**
- **Don’t take statements under oath**
- **Formal Investigation**
  - **In writing**
  - **Recorded**
  - **Dictated**

Witnesses

- Interview ASAP
- Influenced by others
- Can forget quickly
- Avoid manipulating
- Do NOT interrogate

Witness Personalities

- Extrovert / braggart
- Timid / self-conscious
- Suspicious / excitable
- Untruthful / misleading
- Defensive / nervous
- Inaudible
- Excessive detail

Investigator's Personality

- Influences witnesses
- Commanding type
- Overly confident
- Insecure
- Prejudiced
- Body language

Four Phases of Interview

- 1st - Free narrative
- 2nd - Repeat story
- 3rd - Review information
- 4th - Clear up inconsistencies

The Interview

- Prepare
- Avoid sense of urgency
- One to one
- Don’t argue
- Leave door open
- Provide contact information

Physical Evidence

- Wreckage and parts
- Bag
- Label
- Handle carefully
- Not privileged

Photographs

- Maintain tight co
- Label and log
- Some privileged

TRANS

When it comes to low passes, the best you can do is tie the record.

Criminal Evidence

- Inform senior member
- May continue if directed
- Evidence turned over to NCIS
- Privileged info is not

Reconstruction

- Establish sequence of events
- Avoid repeating unsafe acts
- Walk through-analyze-video tape
- Be sensitive to crew

Mishap Causes

- Primary causes
- Obvious direct causes
- Contributing causes
- Chain of events leading up to the mishap

Cause Factors

- Human error
- Maintenance factors
- Admin/supervisory factors
- Environmental conditions

Recording / Reporting Mishaps

Since recording a mishap essentially reports it outside the activity, all are now considered "reportable" mishaps

Reporting:

- **Safety Investigation Report (SIREP) - joint format**
  - **Parts A (general) and B (safety investigation board-SIB)**
  - **Sent by naval message by SIB (revising format)**

- **SIREP - Captures same data elements as the on-line WESS**
  - **WESS is the preferred method of reporting**
  - **??Disconnected version?? for those without reliable internet, must have at least e-mail access**

Reports must be submitted within 30 days of incident

Reporting Procedures

- Investigate and report all reportable events.
  - Remote cases - nearest activity will notify parent/unit command. For injuries, jointly determine who will investigate.
  - Final responsibility for reporting rests with parent/unit command.
  - Use WESS, WESS-DS, or naval message.

- Notify Naval Safety Center and the chain of command within eight hours of the mishap by telephone or electronic mean for the following type of mishaps:
  - All Class A mishaps.
  - Hospitalization of three or more people.
  - May use WESS Immediate Notification, PCR or OPREP-3 (NSC must be an ADDEE on message!) – See OPNAVINST 3100.6H

- Report all DoN on-duty civilian fatalities occurring within the United States or U.S. territories to OSHA within eight hours of obtaining knowledge of the mishap.

Hazard Reports

- HAZREPs notify the Naval Safety Center of any hazardous condition or near mishap. This allows them to provide lessons learned.

- WESS, WESS-DS, or SIREP by naval message can be used to report hazards.
  - Complete only those fields that apply.
  - Recommendations will be tracked by NSC.
  - NSC will draft advisory or take other actions.

In a case where endorsements are required, the Safety Authority must give authorization to user to submit endorsement info via WESS.

Mishaps Not Reportable

- Damage/Injury caused by direct action of enemy
- Normal wear&tear
- Non-Occupational disease
- Suicide,Homicide, Assault, Self-Inflicted Wounds
- Admin Hospitalization
- Nuclear Mishaps
- Prior Service Injuries
- Eluding Arrest
- Criminal Acts
- Death by Natural Cause

Application

- **Form groups – each appoint spokesperson to:**
  - **Summarize mishap – what happened, what was the cost in terms of personnel injuries and equipment damage?**
  - **Discuss SIB conclusions – what caused the mishap?**
  - **Discuss lessons learned – what were the leading indicators - how could the error chain have been broken? What can you do to avert a similar mishap on YOUR ships?**

Any Questions?